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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,709	07/16/2002	Zwi H Kalman	Kalman-I	4596
28581	7590	01/28/2005	EXAMINER	
DUANE MORRIS LLP PO BOX 5203 PRINCETON, NJ 08543-5203			HOFFMANN, JOHN M	
			ART UNIT	PAPER NUMBER

1731

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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50127

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## Commissioner for Patents

The reply filed on 3 January 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The amendment filed on 3 January 2005 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). Newly amended claims 14-16 and 18-19 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claim 14 as originally presented, searched and examined was directed to the species where the second phase was a three dimensional network. But now claim 14 is now directed to having the second phase as particles (i.e. discreet, separate, non-connected). These are two mutually exclusive limitations/species. It would be an unreasonable burden on the Office to now search for this mutually exclusive specie. Furthermore, as per the first rejection by the Office, the invention of original claim 14 had no special technical feature. Therefore the species of present claim 14 does not share a special technical feature with the originally presented, searched and examined claims. Therefore there is no unity of invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 14-16 and 18-19 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

John Hoffmann  
Primary Examiner  
Art Unit: 1781

1-27-05